

REMARKS

Claim 35 was rejected under 35 U.S.C. §102(e) as being anticipated by Hayduk (US 2003/0054833 A1). Claim 35 was rejected under 35 U.S.C. §102(e) as being anticipated by Nakai et al. (US 2002/0033779 A1). Claims 1, 6, 8-7, 20, 22-24, 25 and 29-30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Misawa et al. (US 2002/0118285 A1) in view of Chew (US 2005/0138448 A1). Claims 11-14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Misawa et al. (US 2002/0118285 A1) in view of Chew (US 2005/0138448 A1) and Reeley et al. (US 5,893,037). Claim 16 was rejected under 35 U.S.C. §103(a) as being unpatentable over Misawa et al. (US 2002/0118285 A1) in view of Chew (US 2005/0138448 A1) and Kubo et al. (US 2001/0006400 A1). Claims 1, 2-3, 6, 8, 11, 15, 17, 20, 22-24, 30-31, 37 and 42 was rejected under 35 U.S.C. §103(a) as being unpatentable over Nakai et al. (US 2002/0033779 A1) in view of Chew (US 2005/0138448 A1). Claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over Nakai et al. (US 2002/0033779 A1) in view of Chew (US 2005/0138448 A1) and Horvitz (US 2004/0236719 A1). Claim 21 was rejected under 35 U.S.C. §103(a) as being unpatentable over Nakai et al. (US 2002/0033779 A1) in view of Chew (US 2005/0138448 A1) and Schuster et al. (US 6,584,490). The examiner is requested to reconsider these rejections.

Claim 1 has been amended to clarify applicants' claimed invention. In particular, claim 1 claims that the user stored files comprise non-operating system files. Support for this amendment can be found at page 6, lines 5-9 of the application. Chew relates to prioritization used in

terminating an application program (i.e., an operating system file). Nowhere in Chew is there a disclosure or suggestion of a system for prioritizing non-operating system user stored files.

Claim 23 has been amended to clarify applicants' claimed invention. In particular, claim 23 claims a method of prioritizing a plurality of use stored, non-operating system files. As noted above, Chew relates to prioritization used in terminating an application program (i.e., an operating system file). Nowhere in Chew is there a disclosure or suggestion of a method of prioritizing a plurality of use stored, non-operating system files.

Claim 35 has been amended to clarify applicants' claimed invention. In particular, claim 35 claims that the user stored files comprise photograph, video and/or music files. Support for the amendment can be found at page 6, lines 5-9 and page 5, line 12 and page 19, lines 22-25. Nowhere in the cited art is there a disclosure or suggestion of a system for prioritizing photograph, video and/or music files as recited in claim 35.

Claim 37 has been amended to clarify applicants' claimed invention. In particular, claim 37 claims that the user stored files comprise non-operating system files including photograph, video and/or music files. Support for the amendment can be found at page 6, lines 5-9 and page 5, line 12 and page 19, lines 22-25. Nowhere in the cited art is there a disclosure or suggestion of a system for prioritizing photograph, video and/or music files as recited in claim 37.

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In view of the amendments and comments noted above, the examiner is requested to reconsider his rejections.

Claims 43-46 have been added to claim the features recited therein.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issue remain, the examiner is invited to call applicants' attorney at the telephone number indicated below.

Respectfully submitted,

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